

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RALPH “TREY” JOHNSON, STEPHANIE KERKELLES, NICHOLAS LABELLS, CLAUDIA RUIZ, JACOB WILLEBEEK-LEMAIR, ALEXA COOKE, RHESA FOSTER, ZACHARY HARRIS, MATTHEW SCHMIDT, TAMARA SCHOEN STATMAN, GINA SNYDER, ESTEBAN SUAREZ and LIAM WALSH, individually and on behalf of all persons similarly situated,

Plaintiffs,

v.

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, CORNELL UNIVERSITY, FORDHAM UNIVERSITY, LAFAYETTE COLLEGE, SACRED HEART UNIVERSITY, VILLANOVA UNIVERSITY, UNIVERSITY OF OREGON, TULANE UNIVERSITY, UNIVERSITY OF NOTRE DAME, UNIVERSITY OF ARIZONA, PURDUE UNIVERSITY, DUKE UNIVERSITY, and MARIST COLLEGE,

Defendants.

**Civil Action No. 19-cv-5230 (JP)**

**DEFENDANT DUKE  
UNIVERSITY’S MOTION TO  
DISMISS THE THIRD  
AMENDED COMPLAINT  
PURSUANT TO RULES 12(b)(2)  
(Lack of Personal Jurisdiction),  
12(b)(3) (Improper Venue),  
12(b)(6) (Failure to State a Claim),  
OR TO TRANSFER (28 U.S.C.  
§§1404(a) and 1406(a)) AND  
MOTION TO JOIN**

Pursuant to Federal Rules of Civil Procedure Rules 12(b)(2), 12(b)(3), 12(b)(6), and 28 U.S.C. §§ 1404(a) and 1406(a), Defendant DUKE UNIVERSITY (“Duke” or “Duke University”) hereby respectfully moves this Court to dismiss the above-captioned action or, in the alternative, to transfer the Plaintiff ESTABAN SUAREZ’s claims to the U.S. District Court for the Eastern District of North Carolina for the reasons set forth in the accompanying memorandum in support of this motion (the “Motion”). In support of this Motion, the Declaration of Brittany Cain is

attached hereto as **Exhibit A**.

Further, Defendant Duke University hereby respectfully moves this Court for permission to join the arguments for dismissal of the Third Amended Complaint in the forthcoming memorandum in support of the motion to dismiss filed by Defendant National Collegiate Athletic Association (“NCAA”).

Finally, pursuant to E.D. Pa. Local R. Civ. Proc. 7.1(f), Defendant Duke University requests oral argument on this motion.

Dated: March 24, 2025

Respectfully submitted,

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Kevin J. Mangan

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